

17.12.2024
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Allowed

C.R.M. (A) No. 4408 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Junput Coastal Police Station Case No. 190 of 2024 dated 09.10.2024 under Sections 85/109/115(2)/351(2)/3(5) of the BNS read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Dr. Biswajit Barik & Ors. petitioners

Mr. Shibaji Kumar Das

.....for the petitioners

Mr. Parthaprati Das

Ms. Sonali Bhar

....for the State

1. Learned Counsel for the petitioners submit there is matrimonial discord between petitioner no. 1 and his wife. Matter was referred for conciliation before the District Legal Services Authorities. It was contended petitioner no. 1 is an impotent. Both the parties were referred for medical examination. Medical report shows petitioner no. 1 is capable of sexual intercourse. Matter was dropped. Thereafter petitioners have been falsely implicated. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record. A conciliation proceeding was instituted to resolve the dispute between the parties. In the said proceeding it was proposed

petitioner no. 1 and his wife may live together as husband and wife. Subsequently *de facto* complainant/wife lodged the present case alleging assault upon her. Injury report shows minor injuries. Possibility of false implication owing to the continuing matrimonial discord cannot be ruled out. Under such circumstances, we are of the opinion custodial interrogation for progress of investigation is not necessary and petitioners may be granted anticipatory bail.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)